Numb. 39.

The EXAMINER.

From Thursday *April* 19, to Thursday *April* 26, 1711.

Indignum eſt in eâ civitate, quæ legibus continetur, diſcedi a legibus.

I Have been often conſidering how it comes to paſs, that the Dexterity of Mankind in Evil, ſhould always outgrow, not only the Prudence and Caution of private Perſons, but the continual Expedients of the wiſeſt Laws contriv'd to prevent it. I cannot imagine a Knave to poſſeſs a greater ſhare of natural Wit or Genius, than an honeſt Man. I have known very notable Sharpers at Play, who upon all other Occaſions, were as great Dunces, as Human Shape can well allow; and I believe, the ſame might be obſerv'd among the other Knots of Thieves and Pick-pockets, about this Town. The Propoſition however is certainly true, and to be confirm'd by an hundred Inſtances. A Scrivener, an Attorney, a Stock-jobber, and many other *Retailers of Fraud*, ſhall not only be able to over-reach others, much wiſer than themſelves, but find out new Inventions, to elude the Force of any Law made againſt them. I ſuppoſe, the Reaſon of this may be, that as the *Aggreſſor* is ſaid to have generally the Advantage of the *Defender*; So the Makers of the Law, which is to defend our Rights, have uſually not ſo much Induſtry or Vigour, as thoſe whoſe Intereſt leads them to attack it. Beſides, it rarely happens that Men are rewarded by the Publick for their Juſtice and Virtue; neither do thoſe who act upon ſuch Principles, expect any Recompence 'till the next World: Whereas Fraud, where it ſucceeds, gives preſent Pay; and this is allow'd the greateſt Spur imaginable both to Labour and Invention. When a Law is made to ſtop ſome growing Evil, the Wits of thoſe, whoſe Intereſt it is to break it with Secrecy or Impunity, are immediately at Work; and even among thoſe who pretend to fairer Characters, many would gladly find means to avoid, what they would not be thought to violate. They deſire to reap the Advantage, if poſſible, without the Shame, or at leaſt, without the Danger. This Art is what I take that dextrous Race of Men, ſprung up ſoon after the Revolution, to have Study'd with great Application ever ſince, and to have arriv'd at great Perfection in it. According to the Doctrine of ſome *Romiſh* Caſuiſts, they have found out *Quam prope ad peccatum ſine peccato poſſint accedere.* They can tell how to go within an Inch of an Impeachment, and yet come back untoucht. They know what degree of Corruption will juſt forfeit an Employment, and whether the Bribe you receive be ſufficient to ſet you right, and put ſomething in your Pocket beſides. How much to a Peny, you may ſafely cheat the Qu—n, whether forty, fifty or ſixty *per Cent.* according to the Station you are in, and the Diſpoſitions of the Perſons in Office, below and above you. They have computed the Price you may ſecurely take or give for a Place, or what part of the Salary you ought to reſerve. They can diſcreetly diſtribute Five Hundred Pounds in a ſmall Burrough, without any Danger from the Statutes, againſt bribing Elections. They can manage a Bargain for an Office, by a third, fourth or fifth Hand, ſo that you ſhall not know whom to accuſe; and win a Thouſand Guineas at Play, in ſpight of the Dice, and ſend away the Loſer ſatisfy'd: They can paſs the moſt exorbitant Accounts, overpay the Creditor with half his Demands, and ſink the reſt.

It would be endleſs to relate, or rather indeed impoſſible to diſcover, the ſeveral Arts which curious Men have found out to enrich themſelves, by defrauding the Publick, in defiance of the Law. The Military Men, both by Sea and Land, have equally cultivated this moſt uſeful Science: Neither hath it been altogether neglected by the other Sex, of which, on the contrary, I could produce an Inſtance, that would make ours bluſh to be ſo far outdone.

Beſides, to confeſs the Truth, our Laws themſelves are extremely defective in many Articles, which I take to be one ill Effect of our beſt Poſſeſſion, Liberty. Some Years ago, the Ambaſſador of a great Prince was Arreſted, and Outrages committed on his Perſon in our Streets, without any poſſibility of Redreſs from *Weſtminſter-Hall*, or the Prerogative of the Sovereign; and the Legiſlature was forc'd to provide a Remedy againſt the like Evil in Times to come. A Commiſſioner of the Stamp'd Paper was lately diſcovered to have notoriouſly cheated the Publick of great Sums for many Years, by Counterfeiting the Stamps, which the Law had made Capital. But the Aggravation of his Crime, prov'd to be the Cauſe that ſav'd his Life; and that additional heightning Circumſtance of betraying his Truſt, was found to be a legal Defence. I am aſſur'd, that the notorious Cheat of the Brewers at *Portſmouth*, detected about two Months ago in Parliament, cannot by any Law now in Force, be puniſhed in any Degree, equal to the Guilt and Infamy of it. Nay, what is almoſt incredible, had *Guiſcard* ſurviv'd his deteſtable Attempt upon Mr. *Harley*'s Perſon, all the inflaming Circumſtances of the Fact, would not have ſufficed, in the Opinion of many Lawyers, to have puniſh'd him with Death; and the Publick muſt have lain under this *Dilemma*, either to Condemn him by a Law, *ex poſt Facto* (which would have been of dangerous Conſequence, and from an ignominious Precedent) or undergo the Mortification to ſee the greateſt Villain upon Earth eſcape unpuniſhed, to the infinite Triumph and Delight of *Popery* and *Faction*. But even this is not to be wondred at, when we conſider, that of all the Inſolences offer'd to the Qu—— ſince the Act of Indemnity, (at leaſt, that ever came to my Ears) I can hardly inſtance above two or three, which, by the Letter of the Law could amount to High Treaſon.

From theſe Defects in our Laws, and the want of ſome diſcretionary Power ſafely lodg'd, to exert upon Emergencies; as well as from the great Acquirements of able Men, to elude the Penalties of thoſe Laws they break, it is no wonder, the Injuries done to the Publick, are ſo ſeldom redreſs'd. But beſides, no Individual Suffers, by any wro g he does to the Commonwealth, in proportion to the Advantage he gains by doing it. There are ſeven or eight Millions who contribute to the Loſs, while the whole Gain is ſunk among a few. The Damage ſuffer'd by the Publick, is not ſo immediately or heavily felt by particular Perſons, and the Zeal of Proſecution is apt to drop and be loſt among Numbers.

But imagine a Set of Politicians for many Years at the Head of Affairs, the Game viſibly their own, and by Conſequence acting with great Security: May not theſe be ſometimes tempted to forget their Caution, by length of Time, by exceſs of Avarice and Ambition, by the Inſolence or Violence of their Nature, or perhaps by a meer Contempt for their Adverſaries? May not ſuch Motives as theſe, put them often upon Actions directly againſt the Law, ſuch as no Evaſions can be found for, and which will lay them fully open to the Vengeance of a prevailing Intereſt, whenever they are out of Power? 'Tis anſwer'd in the Affirmative. And here we cannot refuſe the late M———y their due Praiſes, who foreſeeing a Storm, provided for their own Safety, by two admirable Expedients, by which, with great Prudence, they have eſcap'd the Puniſhments due to pernicious Councils and corrupt Management. The firſt, was to procure, under Pre-

ten-

tences hardly ſpecious, a general Act of Indemnity, which cuts off all Impeachments. The ſecond, was yet more refin'd: Suppoſe, for Inſtance, a Counſel is to be purſu'd, which is neceſſary to carry on the dangerous Deſigns of a prevailing Party, to preſerve them in Power, to gratify the unmeaſurable Appetites of a few *Leaders*, Civil and Military, though by hazarding the Ruin of the whole Nation: This Council, deſperate in it ſelf, unpreſidented in the Nature of it, they procure a Majority to form into an Addreſs, which makes it look like the Senſe of the Nation. Under that Shelter they carry on their Work, and lie ſecure againſt After-reckonings.

I muſt be ſo free to tell my Meaning in this, that among other Things, I underſtand it of the Addreſs made to the Qu—— about three Years ago, to deſire that Her M———y would not conſent to a Peace, without the entire Reſtitution of *Sp—n*. A Proceeding, which to People abroad, muſt look like the higheſt Strain of Temerity, Folly, and Gaſconade. But we at Home, who allow the Promoters of that Advice to be no Fools, can eaſily comprehend the Depth and Myſtery of it. They were aſſur'd by this Means, to pin down the War upon us, conſequently to encreaſe their own Power and Wealth, and multiply Difficulties on the Qu—— and Kingdom, 'till they had fix'd their Party too firmly to be ſhaken, whenever they ſhould find themſelves diſpos'd to reverſe their Addreſs, and give us leave to wiſh for a Peace.

If any Man entertains a more favourable Opinion of this monſtrous Step in Politicks; I would ask him what we muſt do, in Caſe we find it impoſſible to recover *Spain?* Thoſe among the *Whigs* who believe a GOD, will confeſs, that the Events of War lie in his Hands; and the reſt of them, who acknowledge no ſuch Power, will allow, that *Fortune* hath too great a ſhare in the good or ill Succeſs of Military Actions, to let a wiſe Man reaſon upon them, as if they were entirely in his Power. If Providence ſhall think fit to refuſe Succeſs to our Arms, with how ill a Grace, with what Shame and Confuſion, ſhall we be oblig'd to recant that precipitate Addreſs, unleſs the World will be ſo Charitable to conſider, that Parliaments among us, differ as much as Princes, and that by the fatal Conjunction of many unhappy Circumſtances, it is very poſſible for our Iſland to be repreſented ſometimes by thoſe who have the leaſt Pretenſions to it. So little Truth or Juſtice there is in what ſome pretend to advance, that the Actions of former Senates, ought always to be treated with Reſpect by the latter; that thoſe Aſſemblies are all equally Venerable, and no one to be preferr'd before another: By which Argument, the Parliament that began the Rebellion againſt King *Charles the Firſt*, voted his Trial, and appointed his Murderers, ought to be remembred with Reſpect.

But to return from this Digreſſion; 'tis very plain, that conſidering the Defectiveneſs of our Laws, the variety of Caſes, the weakneſs of the Prerogative, the Power or the Cunning of ill-deſigning Men, it is poſſible, that many great Abuſes may be viſibly committed, which cannot be legally Puniſh'd: Eſpecially if we add to this, that ſome Enquiries might probably involve thoſe, whom upon other Accounts, it is not thought convenient to diſturb. Therefore, it is very falſe Reaſoning, eſpecially in the Management of Publick Affairs, to argue that Men are Innocent, becauſe the Law hath not pronounc'd them Guilty.

I am apt to think, it was to ſupply ſuch Defects as theſe, that Satyr was firſt introduc'd into the World; whereby thoſe whom neither Religion, nor natural Virtue, nor fear of Puniſhment, were able to keep within the Bounds of their Duty, might be with-held by the Shame of having their Crimes expos'd to open View in the ſtrongeſt Colours, and themſelves rendred odious to Mankind. Perhaps all this may be little regarded by ſuch harden'd and abandoned Natures as I have to deal with; but, next to taming or binding a Savage-Animal, the beſt Service you can do the Neighbourhood, is to give them warning, either to Arm themſelves, or not come in its way.

Could I have hoped for any Signs of Remorſe from the Leaders of that Faction, I ſhould very gladly have chang'd my Style, and forgot or paſs'd by their Million of Enormities. But they are every Day more fond of diſcovering their impotent Zeal and Malice: witneſs their Conduct in the City about a Fortnight ago, which had no other End imaginable, beſide that of perplexing our Affairs, and endeavouring to make Things deſperate, that Themſelves may be thought Neceſſary. While they continue in this frantick Mood, I ſhall not forbear to treat them as they deſerve; that is to ſay, as the inveterate, irreconcilable Enemies to our Country and its Conſtitution.

ADVERTISEMENTS.

Juſt publiſhed,

*** **A true Narrative of what paſs'd at the EXAMINATION** of the Marquis *De Guiſcard*, at the *Cock-Pit*, the 8th of *March*, 1710,11. His Stabbing Mr. HARLEY, and other precedent and ſubſequent Facts, relating to the Life and Death of the ſaid *Guiſcard*. Printed for *J. Morphew*, near Stationers-Hall. Price 6d.

A True and Impartial Account of the preſent Differences between the Maſter and Fellows of Trinity College in Cambridge, conſider'd, in a Letter to a Gentleman, ſometime Member of that Society. Sold by J. Morphew, near Stationers Hall

†-†-† **Non-Reſidency of the Clergy prov'd** to be againſt Right, Reaſon, Scripture and Antiquity: Humbly offered to the Conſideration of the Reverend Mr. Prolocutor and his Brethren, Members of the Lower Houſe of Convocation. By a True Church Man. Printed for J. Morphew near Stationers Hall. Price 2d.

Juſt publiſhed the 2d Edition of,

*** **An EXAMINATION of the Four** Letters to a Tory Member, concerning the Management of the War, and the Negociations for a Treaty of Peace, in 2 Parts. Printed for J. Morphew near Stationers Hall, pr. 1s.

This day is publiſhed,

† **Spinoza Reviv'd part the Second: Or** a Letter to Monſieur Le Clerc, occaſioned by his Bibliotheque Choiſie, Tom. 21. Wherein Her Majeſty's Prerogative and the Authority of Parliaments are Defended. As alſo a full Confutation of the many Calumnies which the ſaid Monſieur Le Clerck hath endeavoured to throw on the Learned and Reverend Perſons that wrote againſt the Seditious and Atheiſtical Principles, in a Book entituled, The Rights of the Chriſtian Church aſſerted, &c. By W. Carrol. Sold by J. Morphew near Stationers Hall.

† **At the Hen and Chickens in Bedford-ſtreet**, Covent Garden (up Stairs, in the Room where Mr *Dobſon* did live ſome Years ſince) are ſold, the richeſt, broad, coloured Italian Mantua, at 6s. 6d. per Yard, and grain Colours in proportion. As alſo, rich, black, broad Dutch Poudeſoys, at 10s. 6d. per Yard. The very richeſt, black, broad, *Dutch* Poudeſoys at a 11s. per Yard. Rich, black, *Dutch* Mantua's; rich, black, *Dutch Damask*, rich, black, Luſtrings of all Sorts, black Alamodes and white Sarcenets. The moſt beautiful, rich, black, broad Italian Mantua at 7s. per Yard. Imported and Sold by Wholeſale or Retail, at the very loweſt Rates, by Peter Guerin.

Plain Spaniſh Snuff,

Right and Fine, in Tin Pots, at 5s. per Pound. Fine Brazil Snuff at 3s. an Ounce; alſo freſh Lisbon Snuff and other Snuffs. To be ſold by Mr. Francis Zouch, in Thames-ſtreet, at the corner of Garlick Hill, near Queenhith, by Wholeſale or Retail. Note, Garlick Hill is at the bottom of Bow-lane, Cheapſide.

Morning Gowns for Men and Women, of all ſorts of rich Brocaded Silks, Japaned Sattins, and great variety of other rich Silks, Stuffs and Callicoe's, (being a freſh Parcel of choice Goods of Sam. Edwards and Richard Hochett, Mercers who left off Trade) are to be ſold at very low Rates, at the Golden Sugar Loaf up one pair of Stairs, over againſt the Horſe at Charing Croſs, the Price being ſet on each. Catalogues of the above ſaid Gowns to be had at the Place of Sale.

THE true Sal Volatile Oleoſum, is not only preferrable to any other Volatil Salt, or Compounds from any: But as far excels them, or any other Medicines, as Life does the Matter it Animates. Foraſmuch as tis drawn from a living Fountain, the Air, the Subſtance of which Element is a Salt inricht with Vital Sulphur the chaſt Spouſe of univerſal Form. This Union is the Vital Seed of all Corporeal Beings. It fills the Blood with ſhining Tincture, in which reſides the Vital Spirit. Its Virtues are manifold—— 'Tis only to be had at Dr. Byfield's in Salisbury Court near Fleetſtreet.

AT the Dial, up one Pair of Stairs againſt Young Man's Coffee-houſe at Charing-Croſs, are Morning Gowns for Men and Women of all Sorts of rich Brocaded Silks, Japaned Sattin, ſtriped Thread Sattin, Caps quilted, Canvas Coats, and great Variety of other rich Silks, Stuffs and Callicoes, being a freſh Parcel of choice Goods taken in Execution, and to be ſold at lower Rates than any where about London, the Price being on each Gown.

Juſt Publiſhed,

*** **The Memorial of the Church of England** from a correct Copy, with the Life and Death of the Author, neatly Printed, pr. 1s. Three Sermons preach'd at Stocton in Salop, by *Alex. Scot*, publiſhed to vindicate them from the Aſperſions and Miſrepreſentation caſt upon them by the Diſſenters, pr. 6d. The Impiety and Folly of reſiſting lawful Governors, a Sermon preach'd by Mr. Milbourn on the 30th of Jan. laſt pr. 6d. Againſt Reſiſtance of lawful Powers, a Sermon by Seth Ward, pr. 3d. The Excellency of Forms of Prayer, eſpecially the Lord's Prayer, a Sermon by Bp. Pearſon, pr. 2d. The Shorteſt Way with the Diſſenters, pr. 3d. All Printed for G. Sawbridge, and ſold by J. Morphew near Stationers-Hall.

Juſt Publiſhed,

FAnatical Moderation: Or, Unparalell'd Villany Diſplay'd: Being a faithful Narrative of the barbarous Murder committed upon the moſt Reverend Father in God James Sharp, Arch-biſhop of St. Andrews, by the Scotch Puritans May 3, 1679. interſpers'd with ſeveral Original Papers, fully demonſtrating the Deſigns of the Fanatick Party in that Kingdom and elſewhere, to be directly intended for the Subverſion both of Church and State. Printed for E. Curl at the Dial and Bible againſt St. Dunſtan's Church in Fleetſtreet; R. Gosling at the Mitre in Fleetſtreet, and Sold by J. Morphew near Stationers Hall, price 1s.

LONDON: Printed for JOHN MORPHEW, near *Stationers-Hall*, 1711.